

**LEVIN-EPSTEIN & ASSOCIATES, P.C.**

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September 28, 2018

**Via Electronic Filing**

The Honorable Magistrate Judge Katherine Polk Failla  
U.S. District Court Southern District of New York  
500 Pearl St  
New York, NY 10007

Re: *Hugo Ortega Hernandez et al v. Mazzarella Inc. et al - Request for Extension*  
**Case No.: 1:17-cv-06164**

Dear Honorable Magistrate Judge Failla:

This law firm represents Defendants Mazzarella Inc., John Russo, and Anthony Mazzarella (the “Defendants”) in the above-referenced action.

Pursuant to Your Honor’s Individual Motion Practices, this letter respectfully serves as a joint request to refer this case to the Mediation Program of the United States District Court for the Southern District of New York.

This letter also serves as a request to adjourn the pretrial conference currently scheduled for November 8, 2018, at 12:00 p.m. *sine die* to a date and time set by the Court following the completion of mediation. This is the fourth request for an adjournment of the pretrial conference, and is not made on consent of Plaintiff’s counsel.

There are extraordinary circumstances that justify this request and this request is not made lightly. The reason for the request is that the parties intend to mediate, and hopefully settle this case. Should a settlement not be possible, the parties will be prepared to appear before Your Honor at a pretrial conference.

The requested adjournment would not affect any other scheduled dates.

Thus, the parties respectfully request that the Court refer this case to the Mediation Program of the United States District Court for the Southern District of New York, and Defendants respectfully request an adjournment of the pretrial conference currently scheduled for November 8, 2018, at 12:00 p.m. *sine die* to a date and time set by the Court following the completion of mediation.

Thank you, in advance, for your time and attention.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

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